

Notice of Allowability

Application No.

09/745,579

Examiner

Stephen M. D'Agosta

Applicant(s)

PIRKOLA ET AL.

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7-6-04.
2. ☒ The allowed claim(s) is/are 2-8 and 10-23.
3. ☒ The drawings filed on 21 December 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

The applicant's amendment filed 7-6-04 overcomes the examiner's prior art rejection. Claims 2-8 and 10-23 allowed.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

1. The three independent claims recite highly specific designs which are novel, in the examiner's opinion, over the prior art cited. The novelty is found in the required combination whereby the display has different active regions, use of touch sensitive action to move the cursor, movement of the cursor only proceeds from one active region to another, and/or a) first/second sides of the device are used or b) the indicator will not automatically reposition itself from one active region the display if the indicator is moved in a direction not associated with one of the active regions of the display.

2. Claim 10 recites: A hand held communication device comprising:

a display, said display in use have a plurality of different active regions, at least one function being selectable via each active region; and

a touch sensitive region, said touch sensitive region being arranged so that movement with respect to the touch sensitive region causes an indicator to move across said display, wherein said touch sensitive region is arranged on a first side of said device and said display is arranged on a second side, and wherein said first and second sides are opposite one another;

wherein said indicator is arranged to move only from one active region to another.

3. Claim 14 recites: A method of controlling a hand held communication device comprising display use having a plurality of different active regions, the method comprising the steps of:

operating a touch sensitive region on a first side of the device so cause an indicator move across the display on a second side of the communication device that is opposite the first side;

controlling the indicator to move only from one active region to another across the display; and

selecting a function associated with the active region where the indicator located when said selection step performed.

4. Claim 23 recites: A method of controlling a handheld communication device comprising a display in use having a plurality of different active regions, the method comprising:

operating a touch sensitive region so as to cause an indicator to move across the display of the communication device,

controlling the indicator to move only from one active region to another across the display wherein the indicator will not automatically reposition itself from one active region the display if the indicator is moved in a direction not associated with one of the active regions of the display, and

selecting a function associated with the active region where the indicator is located when said selection step is performed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
8-20-04



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SUPERVISORY PATENT EXAMINER
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